

Thomas Jefferson to William Short, July 28, 1791, with Explanation; Partial Transcription Available ,from the Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE U. S. CHARGÉ D'AFFAIRES IN FRANCE (WILLIAM SHORT)

Philadelphia, July 28, 1791.

Dear Sir,

* * * The difference of 62#-10 the hogshead, established by the National Assembly on tobacco brought in their and our ships, is such an act of hostility against our navigation as was not to have been expected from the friendship of that Nation. It is as new in it's nature as extravagant in its degree, since it is unexampled that any nation has endeavoured to wrest from another the carriage of it's own produce, except in the case of their Colonies. The British navigation act, so much and so justly complained of, leaves to all nations the carriage of their own commodities free. This measure too is calculated expressly to take our own carriage from us, and give the equivalent to other nations: for it is

well known that the shipping of France is not equal to the carriage of their whole commerce; but the freight in other branches of navigation being on an equal footing with only 40# the hogshead in ours, and this new arrangement giving them 62#.10 the hogshead in addition to their freight, that is to say, 102#-10 instead of 40, their vessels will leave every other branch of business to fill up this. They will consequently leave a void in those other branches, which will be occupied by English, Dutch and Swedes, on the spot. They complain of our Tonnage duty; but it is because it is not understood. In the ports of France we pay fees for anchorage, buoys and beacons, fees to measurers, weighers

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and guagers, and in some countries for light-houses. We have thought it better that the public here should pay all these, and reimburse itself by a consolidation of them into one fee, proportioned to the tonnage of the vessel, and therefore called by that name. They complain that the foreign tonnage is higher than the domestic. If this complaint had come from the English it would not have been wonderful, because the foreign tonnage operates really as a tax on their commerce, which, under this name, is found to pay 16½ dollars for every dollar paid by

France. It was not conceived that the latter would have complained of a measure calculated to operate so unequally on her rival—and I still suppose she would not complain, if the thing were well understood. The refusing to our vessels the faculty of becoming national bottoms on sale to their citizens, was never before done by any nation but England. I cannot help hoping that these were wanderings of a moment, founded in misinformation, which reflection will have corrected before you receive this.

Whenever jealousies are expressed as to any supposed views of ours on the dominion of the West Indies, you cannot go farther than the truth in asserting we have none. If there be one principle more deeply rooted than any other in the mind of every American, it is that we should have nothing to do with conquest. As to commerce indeed we have strong sensations. In casting our eyes over the earth, we see no instance of a nation forbidden, as we are, by foreign powers, to deal with neighbours, and obliged with them to carry into another hemisphere, the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbour. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance. An exchange of surplusses and wants between neighbour nations, is both a right and a duty under the moral law, and measures against right should be mollified in their exercise, if it be wished to lengthen them to the greatest term possible. Circumstances sometimes require, that rights the most unquestionable should be advanced with delicacy. It would seem that the one now spoken of, would need only a mention to be assented to by any unprejudiced mind: But with respect to America,

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Europeans in general, have been too long in the habit of confounding force with right. The Marquis de La Fayette stands in such a relation between the two countries, that I should think him perfectly capable of seizing what is just as to both. Perhaps on some occasion of free conversation, you might find an opportunity of impressing these truths on his mind, and that from him, they might be let out at a proper moment, as matters meriting consideration and weight, when they shall be engaged in the work of forming a Constitution for our neighbours. In policy, if not in justice, they should be disposed to avoid oppression, which, falling on us, as well as on their colonies, might tempt us to act together. ¹

¹ This paragraph is in cipher in original.

The element of measure adopted by the National Assembly excludes, *ipso facto*, every nation on earth from a communion of measure with them; for they acknowledge themselves, that a due proportion for admeasurement of a meridian crossing the 45th degree of latitude, and terminating at both ends in the same level, can be found in no other country on earth but theirs. It would follow then, that other nations must trust to their admea-

-surement, or send persons into their country to make it themselves, not only in the first instance, but when ever afterwards they may wish to verify their measures. Instead of concurring, then, in a measure which, like the pendulum, may be found in every point of the 45th degree, and through both hemispheres, and consequently in all the countries of the earth lying under that parallel, either Northern or Southern, they adopt one which can be found but in a single point of the Northern parallel, and consequently only in one country, and that country is theirs.

I left with you a statement of the case of Schweighauser & Dobrée, with the original vouchers on which it depends. From these you will have known, that being authorized by Congress to settle this matter, I began by offering to them an arbitration before honest

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and judicious men of a neutral nation. They declined this, & had the modesty to propose an arbitration before *merchants of their own town*. I gave them warning then, that as the offer on the part of a sovereign nation to submit to a private arbitration was an unusual condescendence, if they did not accept it then, it would not be repeated, and that the United States would judge

the ease for themselves hereafter. They continued to decline it, and the case now stands thus. The territorial judge of France has undertaken to call the United States to its' jurisdiction, and has arrested their property, in order to enforce appearance, and possess themselves of a matter whereon to found a decree: But no Court can have jurisdiction over a sovereign nation. This position was agreed to; but it was urged, that some act of Mr. Barclay's had admitted the jurisdiction. It was denied that there had been any such act by Mr. Barclay, and disavowed if there was one, as without authority from the United States, the property on which the arrest was made, having been purchased by Dr. Franklin, and remaining in his possession till taken out of it by the arrest. On this disavowal it was agreed that there could be no further contest, and I received assurance that the property should be withdrawn from the possession of the court by an evocation of the cause before the King's council, on which, without other proceedings, it should be delivered

to the United States. Applications were repeated as often as dignity or even decency would permit, but it was never done. Thus the matter rests, and thus it is meant it should rest. No answer of any kind is to be given to Schweighauser & Dobrée. If they think proper to apply to their Sovereign, I presume there will be a communication either through you or their representative here, and we shall have no difficulty to show the character of the treatment we have experienced.

I will observe for your information that the sustenance of our captives at Algiers is committed to Col: Humphreys.

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You will be so kind as to remember that your public account, from the 1st day of July 1790 to the last of June 1791 inclusive, is desired before the meeting of Congress, that I may be able to lay before them the general account of the foreign fund for that year.

General Scott has returned from a successful expedition against the Northern Indians, having killed 32. warriors, taken 58. women and children prisoners, and destroyed three towns and villages, with a great deal of corn in grain and growth. A similar expedition

was to follow immediately, while preparation is making for measures of more permanent effect; so that we may reasonably hope the Indians will be induced to accept of peace, which is all we desire.

Our funds have risen nearly to par. The eight millions for the bank was subscribed as fast as it could be written, and that stock is now above par. Our crops of wheat have been rather abundant, and of excellent quality. Those of Tobacco are not very promising as yet. The Census is not yet completed, but from what we hear, we may expect our whole numbers will be nearer four than three millions. I inclose a sketch of the numbers as far as we yet know them.